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# Transcript

Newsletter of the Orange County Public Law Library

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## *Philosophy in the Wicked Light of War: Two Books on Just War Theory*

by W. Clifford Vining, a friend of philosophy

*What singest thou? [the Phantom] said,  
Know'st thou not there is but one theme for ever-enduring bards?  
And that is the theme of War, the fortune of battles,  
The making of perfect soldiers.*

-Walt Whitman, Leaves of Grass, 1871

No one would argue against the point that there can be perfect soldiers in terms of valor and skill. Homer's *Iliad* among many other epics and documents provide sound evidence for this form of perfection. What if one adds the quality of morality to the idea of a perfect soldier, however? Is an ethically perfect soldier possible? It may be difficult to envision the phenomenon of morally perfect soldiers once a nation commits itself to war. Such an issue may seem secondary to some. The primary goal is to accomplish the national mission of victory over the enemy. In such a circumstance, issues of morality may appear solely and narrowly individualistic, rather than nationalistic and global. In all probability, an individual's particular moral interests would be subordinated to these wider interests. Who has, in other words, time to consider the perfection of one's soul -or anyone's soul- while engaged in war? Soulful perfection seems so bourgeois and selfish, and, historically, governments seem to thrive on wider interests, and thrive at times to the detriment of their respective societies.

Consider, for instance, that the "new world order" of dispute-settling cooperation among nations envisioned after World War I has failed miserably for the most part. In high school we all learned about the untimely demise of Woodrow Wilson's League of Nations, but who can honestly claim today a rousing success story for the United Nations? War, terror and violent threats are still used as instruments of policy by all sorts of political groupings, even among the member nations. Indeed, there are entire ideologies that embrace such means. In short, war will not be vanishing soon!

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## NEW PUBLIC SERVICES LIBRARIAN!

by Margaret Rogers, Cataloging Technician

Molly Solazzo is the new Public Services Librarian! Molly was born in Rochester, New York, the second of five children. She attended State University of New York at Albany and majored in European history. After graduation she worked at the University of Rochester library in Rare Books and Collections while she attended SUNY Buffalo studying for her Masters in Library Science. Molly spent five years doing cataloging, reference, supervising library assistants and book preservation. She loved working with the rare books and materials.

Molly then left upper New York state and moved to the D.C. area where she worked for the law firm of Willkie Farr and Gallagher as a reference librarian for five years. She then worked at Putnam Hayes & Bartlett, an international economic and management consulting firm. She spent three weeks in California working at the firm's office in the Biltmore Hotel in downtown Los

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So, it is not surprising to find that a soldier's behavior in war, as well as a nation's behavior, still animates philosophers. There is, after all, one point upon which all philosophers should agree, and it is this: what is morally inexcusable in an individual's behavior in war should be similarly inexcusable in the behavior of nations. Tragically, this has not always been the case, if it has ever, and it is at this juncture that just war theory comes into play.

Two excellent books on this disquieting yet challenging topic are William V. O'Brien's *The Conduct of Just and Limited War*, GEN2 U21.2.O25 1981, and *War and International Justice: A Kantian Perspective*, GEN2 U22.O73 2000, by Brian Orend. Both thinkers may be termed *responsible realists*. Such folks no longer hold to the temporal goal of absolutely eliminating war and terror among nations and communities. These lofty goals seem unattainable given the prevailing attitudes and current practices of some nations and international organizations, as well as some ethnic and religious groups. Consequently, the fundamental, motivating animus to just war theory is that a government may have moral reasons to go to war against another government or "political community". Once war commences, the overriding aim of just war theory then shifts to limit the extent of war's devastation, by helping to determine the moral quality of wartime behavior.

In his book, Orend offers a Kantian viewpoint on just war theory. As a realist, Orend, naturally, takes humanity's propensity for war as a given. Similarly, the great 18<sup>th</sup> century, Enlightenment philosopher, Immanuel Kant, believed that all human beings possess animalistic impulses for initiatory violence. We may initiate violence in the name of God, or we may initiate it in the hidden names of greed or envy, but no matter under what name, we often will act upon these impulses or instincts rationalizing as we go. Simultaneous with this "dark side", however, Kant also accepted everyone's self-contained, rational power to reason and choose among positive options. Indeed, for Kant, as Orend states, "the foremost material (goal) of reason is the progressive development of morality and justice" (p.17)<sup>2</sup>. This goal was to hold true not only for the individual, but also among nations. The primary means to attain this end was to be the implementation of moral duty, what Kant called, "the Categorical Imperative." It is categorical because it is objectively unconditional, rather than hypothetical and subjectively conditioned by personal desires one way or another.

Orend implicitly covers all five of the Imperative's formulations in his book, but the first and leading one from Kant's *Groundwork for the Metaphysics of Morals* will suffice to illustrate briefly how such ethical formulations

could and ought to lead to international acceptance and implementation of Kant's just war theory. The leading formula: "Act only according to that maxim whereby you can at the same time will that it should become a universal law" (p. 35). Ultimately, Kant reasoned, the fundamental principle or maxim that one could will as a universal law was to treat people as ends in themselves and not simply as means to one's ambitions. This translates not only as an international commitment to human rights, but also, as Orend states, into an "ethical commonwealth wherein all beings legislate for themselves in harmony with all others" (p.36). From these radical principles, Kant crafted an enduring legacy of internationalism. Orend masterfully analyzes and applies the "constitutive elements" of Kant's concepts of justice and internationalism in the context of just war theory. Of paramount significance, in Orend's analysis, is Kant's overriding theme of "moral universalism" as the ground for engaging in a just war (pgs. 79-126).

In comparison to the philosophical rationalism of Kant's approach, O'Brien's book offers a study more in line with the historical tradition of St. Thomas Aquinas and St. Augustine. According to the tradition, presumption is always against going to war unless certain conditions are met. Moreover, clear justifications must hold forth as well. The primary condition is that private individuals may not declare war. The primary justification is self-defense, which is considered axiomatic. The defense or protection of rights, however, may possibly entail preemptive actions. The tradition permits retributive actions for wrong done in the past. The great virtue of O'Brien's book, however, lies in his discussion and incisive analyses of prior wars in light of just war theory. Among the wars discussed are World War II, Korea, and Vietnam. O'Brien also provides a good overview of the philosophical reasoning to traditional just war theory.

Additionally, O'Brien discusses offhandedly how the protection of rights could inspire "humanitarian intervention" by the United Nations under their Charter (p. 23). Such intervention, however, rarely has been considered by this august, international organization for human rights. The world's record for massacres and oppression since the formation of the U.N. attests to this fact<sup>3</sup>. Understandably, issues of national sovereignty hold greater prominence in the value schemes of most member nations.

This primacy of national sovereignty speaks to the two powerful arguments against just war theory: realism and pacifism. It is generally thought realistic for nations to be gravely concerned over their respective power, security and national interests, rather than actively seek out ways to implement moral concepts in international affairs. Certainly, the current government of Iraq, for example, deemed it realistic to murder thousands of ethnic Kurds living within its borders. Similarly, North Korean officials

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# For the Love of Librarians

by Bret N. Christensen, Library Assistant

What comes to mind when you hear the words *library* or *librarian*? Many people hold the image of a librarian as a crotchety, old school marm who does little more than stamp and shelve books because that's all they've seen librarians do. Well, think again! That image is about as inaccurate as believing Alan Greenspan is nothing more than a glorified bank teller.<sup>1</sup>

Today's librarian does far more than just locate and collect data. The librarian uses the Internet and other technologies to evaluate, analyze, and present information in a way that maximizes its usefulness. People become librarians because they know too much. They go to graduate school for Information Science and become masters of data systems and human/computer interaction.<sup>2</sup> Librarians possess awesome power. With a mere flip of their wrist they can save you hours of research time. They can find invaluable data for that high school term paper due tomorrow. They may even point you toward subject headings you never knew existed. Yeah, librarians can do it all.

A major misconception about the library profession is that the market for librarians is soft. The fact is there has never been a better time to earn a masters degree and become a librarian. In order to close what he estimates as a \$34.6 billion budget shortfall, California Gov. Gray Davis has proposed \$20.7 billion in cuts over the next two years, including \$4.5 billion taken from education programs such as libraries.<sup>3</sup> The good news is that the economic recession doesn't seem to be hindering the number of jobs available in the profession. Job openings and higher salaries abound in academic, private, and government law libraries.<sup>4</sup>

In fiscal year 2000, librarians held about 149,000 positions in the United States and this number is expected to grow another 16% by the year 2005.<sup>5</sup> In California alone, positions for librarians are expected to increase 19% through the year 2010.<sup>6</sup> Applicants for librarian jobs in large metropolitan areas usually face stiff competition while those willing to work in rural areas have better job prospects. Opportunities will be best for librarians outside traditional settings. Non-traditional library settings include information brokers, private corporations, and consulting firms.<sup>7</sup> Many companies are turning to librarians because of their research and organizational skills and knowledge of computer databases and library automation systems. Individuals with solid management skills, Internet experience, a specialized understanding of a particular industry, and analyzing capabilities are in greatest demand.

Library pay varies widely and depends upon the

size of the library, whether the librarian works for a private or public library, and the location of the library. Librarians with primarily administrative duties often have greater earning capacity. From 1999 to 2001, the yearly wage increase for special librarians was approximately 5.2%.<sup>8</sup> Even with a 5.79% inflation rate, most librarians received salary increases well ahead of the State average for white collar workers.<sup>9</sup>

Libraries are wonderful gathering places where like-minded people can come together. In his essay titled, "In Defense of the Book," William H. Gass writes: "The library is meant to satisfy the curiosity of the curious... [and] provide a place for the lonely where they may enjoy the companionship and warmth of the word. [The library] supplies handbooks for the handy, novels for insomniacs...scholarship for the scholarly, and makes available works of literature to those people they will eventually haunt so successfully."<sup>10</sup> The public library is the place to go to think about new things, resolve problems, and make the most of your future. Whether you want to introduce a child to the joys of story time, or find the latest legal opinion by the United States Supreme Court, the library has everything you need to make it happen.

In many cases, libraries are private, non-profit organizations that depend on the support of individuals, corporations, and foundations to help ensure that libraries remain free to the millions of people who visit in person or via the web each year. February has been designated as Library Lover's Month which is a month-long celebration of school, public, and private libraries of all types. This is a time for everyone to recognize the value of libraries and work to assure that the Nation's libraries will continue to serve all who seek knowledge.<sup>11</sup> So, how can I help to 'recognize the value' of our local libraries, you ask?

- ✧ Consider giving a tax-deductible gift to your library. Many libraries have memorial programs, endowments and other opportunities to support quality library services.
- ✧ Volunteer your time. Opportunities might include delivering reading materials to shut-ins, helping kids with homework after school, or simply aiding librarians by shelving books or providing reference assistance to library patrons.
- ✧ Promote your local library. Everyone loves to use libraries, but most people seem to take them for granted. You don't have to be a public relations expert to promote your library. While some in the community may become advocate savants fighting for li-

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# CONSTRUCTION LAW

by John Quigley, who once constructed a tree fort!

**Note:** California law on construction defects was significantly changed by 2002 Statute, Chapter 722 (SB 800, as last amended on 8-28-02, GEN3 KFC6.C3S4). For a brief analysis, visit [www.constructionweblinks.com](http://www.constructionweblinks.com), click on "Site Search", and search for "sb 800".

## OVERVIEWS

Check out four paperbacks and accompanying disks: Acret's *California Construction Law Digests*, GEN3 KFC424.A27 2002; Acret's *California Construction Law Manual: contractor's edition* 2001, GEN3 KFC424.A96 2001; Acret's *California Construction Laws Annotated: with forms, commentary, cases and selected regulations*, GEN3 KFC424.A95 (2001); and Acret's *California Public Construction Contract Law Handbook*, KFC424.A37 (2001). Or see the loose-leaf *California Construction Contracts and Disputes*, GEN3 KFC230.B9A92 1999 & the CEB CD-ROM (2001 Rev).

National treatises include Acret's *National Construction Law Manual*, GEN3 KF902.A93 2001, and the loose-leaf *Construction Law*, GEN3 KF902.S622 1986 (2002 Rev), with an AIA citator and cases. Cases are also reported monthly in *Construction Law Digest*, GEN3 KF902.C667.

Different professionals can check out *Contractor's Plain-English Legal Guide* (with CD-ROM), GEN3 KF1950.Z9S76 2002, and *Contracts and the Legal Environment for Engineers & Architects*, GEN3 KF902.D8 2000, or see *Financial Management and Accounting for the Construction Industry*, GEN2 HF5686.B7F58 1988 (2000 Rev). Lawyers can check out *Sticks & Bricks*, GEN2 TH145.S687 2001, and ABA's *Fundamentals of Construction Law*, GEN3 KF902.F86 2001.

## BUILDING CODES & SPECIFICATIONS

The new 2001 Edition for Title 24 of the *California Code of Regulations* (CCR) is published separately as the *California Building Standards* and shelved after the rest of the CCR at GEN3 KFC35.A23 (and on CD-ROM). It includes California's adoption, revision and supplementation of "Uniform Codes" prepared by national organizations. (In 2000, they replaced the Uniform Codes with new "International Codes", not yet used by California.)

For possible modifications of these materials, see applicable county and city codes. For further information, see pp. 81-82 of the "QUICKGUIDE" at

the reference desk, the Building Standards Commission's website at [www.bsc.ca.gov/](http://www.bsc.ca.gov/), and *Contractor's Guide to the Building Code*, GEN3 KF5701.Z95H34 1998. For public works, see the "GREENBOOK" *Standard Specifications for Public Works Construction*, REF TA181.U6S72 (2003).

## LICENSING, EMPLOYMENT & OTHER REQUIREMENTS

Check out *California Contractors License Law & Reference Book* (by Contractors State License Board), GEN3 KFC424.A34 (2002), *Licensing Laws for Contractors, Architects and Engineers* (with disks), GEN3 KF2928.L53 (1999), and *The Construction Lawyer's Guide to Labor & Employment Law*, GEN3 KF3580.C6E48 2001. Also see the loose-leaf *The Design/Build Deskbook: the complete guide to design/build contracting, licensing, insurance, and procurement requirements in the 50 states and Canada*, GEN3 KF902.D48 2000.

## CONTRACT & OTHER FORMS

Check out Acret's *Construction Industry Formbook* (& CD-ROM), GEN3 KF902.A3 1990 (2002 Supp), and *Construction Industry Forms*, GEN3 KF902.A3C55 1996 (2000 Supp). Also see *Forms and Agreements for Architects, Engineers and Contractors*, GEN3 KF902.D5 (2002 Rev), and forms for "construction professionals, attorneys, lenders, and investors", in *Construction and Development Forms: Planning, Financing, Building* (with CD-ROM), GEN3 KF902.A3D67 2001 (2002 Rev).

## MECHANICS' LIENS & OTHER REMEDIES

For arbitration, check out Acret's *Construction Arbitration Handbook*, GEN3 KF902.A73 1985 (2002 Supp).

For California liens, check out Nolo Press's *Contractors' & Homeowners' Guide to Mechanics' Liens* (with disk), GEN3 KFC229.Z9E43 1998. Or see *California Mechanics' Lien & Construction Industry Practice*, GEN3 KFC229.M3 1996 (2002 Rev), *California Mechanics' Liens & Related Construction Remedies*, GEN3 KFC229.C3 1998 & the CEB CD-ROM (2002 Rev), and volume 23 of CEB's *Action Guides* at GEN3 KFC990.A33: *Handling Construction Disputes* (2002), *Handling Me-*

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found it realistic to keep their citizens imprisoned and starving within theirs. Both measures served to secure power. Of course, nations can hold to the international position of realism without being viciously tyrannical. Nevertheless, the historical life of political realism and its periodic need for initiatory violence and terror is a very long and bloody one. Diametrically opposite to this position, of course, is pacifism. Orend points out that much of pacifist thought is due to serious doubts that just war principles can actually be implemented. Though he does not concern himself with the U.N., Orend offers these realist and pacifist arguments, as well as powerful rebuttals in his book (pgs. 127-174).

Though both of these books are insightful in their own right, Orend's Kantian perspective of just war theory will make, I believe, a lasting impact on contemporary Western and Eastern governments. The best people in these governments are still trying to create that ethical Commonwealth of Nations first advocated by Kant.

1. See the introductions to the two books under review.

2. Page numbers will refer to the book under discussion.

3. Humanitarian intervention during the 1990's into the Kosovo-Albania slaughter, for example, was under the aegis of the North Atlantic Treaty Organization, rather than the U.N. Historically, in terms of effectiveness, the U.N. has been a cruel joke. ☞



## ON DISPLAY

Don't miss OCPLL's spring book display War & Law.

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## STAFF NEWS

by Margaret Rogers

**M**olly Solazzo joined the OCPLL staff in November as the Public Services Librarian.

See "New Public Services Librarian" in this issue for more information.

**Victoria Garrott-Collins**, Government Documents Assistant and the editor of the Transcript, gave birth to a baby boy December 27, 2002. She will return to work part time in February. Congratulations to Victoria and her family!

**Karen Wood**, Government Documents Assistant, returned to OCPLL part time. We are delighted to have her back! ☞

## FIGHTING CYBERCRIMES

by Lu Nguyen, Reference Librarian

**T**he Internet Librarian 2002 conference was held in Palm Springs this year from November 4-6, 2002. One of the workshops that I found interesting was Cybercrimes & Safety Strategies for Internet Librarians by Jayne Hitchcock, President of W.H.O.A. (Working to Halt Online Abuse). Her book, *Net Crimes & Misdemeanors*, published by CyberAge Books, is available in bookstores everywhere ([www.netcrimes.net](http://www.netcrimes.net)).

Ms. Hitchcock shared with the audience her experience of being harassed online. The details of her cyberstalking case are available online at [www.jahitchcock.com/cyberstalked/](http://www.jahitchcock.com/cyberstalked/). Thanks to this experience, she has learned strategies of outmaneuvering online spammers, scammers and stalkers. She alerts us to the dangers and suggests some key strategies for safe workplaces, encryption, computer protection, and protecting children. She offers the following suggestions.

Use cyber street-smarts:

- ✧ Use a gender-neutral screen name/e-mail address.
- ✧ Use a free e-mail account such as Hotmail ([www.hotmail.com](http://www.hotmail.com)) or Yahoo! ([www.yahoo.com](http://www.yahoo.com)) for newsgroups/ mailing lists, chat rooms, IMs, e-mail from strangers, message boards, filling out forms and other online activities.
- ✧ Don't give your primary e-mail address to anyone you do not know or trust.
- ✧ Instruct children to never give out their real name, age, address or phone number over the internet without your permission.
- ✧ Don't provide your credit card number or other information as proof of age to access or subscribe to a web site you're not familiar with.
- ✧ Don't be so trusting online - don't reveal personal things about yourself until you really and truly know the person.
- ✧ Your first instinct may be to defend yourself. Don't! This is how most online harassment situations begin.

Where to go for help if you need it:

- ✧ Keep everything! Don't delete messages, chat logs, etc. Place them in a separate folder on your hard drive, diskette, zip disk, or CD and print out a hard copy.
- ✧ Call local police, whether city or county - ask for the Computer Crimes Unit or someone who handles online incidents.
- ✧ Call the state police.
- ✧ Call the FBI Computer Crimes unit in your area ONLY if you've received a direct threat or threat of physical harm.
- ✧ When speaking to law enforcement, be calm and

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chanics' Liens and Related Remedies (Private Works) (2002), and *Handling Public Works Remedies* (1993).

For all states, check out Acret's *National Mechanics Liens Handbook: the Mechanics Lien Laws of the 50 States and the District of Columbia* (with disk), GEN3 KF900.A74M4 2002.


### TYPES OF DAMAGE

Check out the following: for professional liability, *Architects and Engineers*, GEN3 KF2925.3.A92 1993 (2002 Supp); for property damage, *Landslide and Subsidence Liability*, GEN3 KFC320.L3S9 (2001 Supp); for accidents, *Construction Accident Law: a comprehensive guide to legal liability and insurance claims*, GEN3 KF902.S355 1999; and for contract actions, *Construction Delay Claims*, GEN3 KF902.B73 2000, or *Handling Construction Defect Claims: Western States*, GEN3 KFC224.3.M56 1999 (2003 Supp).

### CLAIMS & LITIGATION

Check out *Evaluating, Litigating & Trying Construction Defect Cases*, GEN3 KFC224.3.Q5 2000, *Proving and Pricing Construction Claims*, GEN3 KF902.P76 2000 (2002 Supp), *Calculating Construction Damages*, GEN3 KF902.S39 2001 (2002 Supp), *Discovery in Construction Litigation*, GEN3 KF902.C3 1994 (2002 Supp), *Construction Litigation (Jury Instructions)*, GEN3 KF8984.A65L53 2001, and *Construction Litigation for Paralegals (claims management)*, GEN3 KF8925.B84Z95 1993. Also see the loose-leafs *Construction Litigation Handbook*, GEN3 KF902.A736 2000 (2002 Rev), and *Construction Accident Litigation*, GEN3 KFI287.5.B8C645 2002. Tapes include *Construction Defect Litigation*, CEB Tape 957 #1-3 Bdr (2000), and *Construction Site Accident Litigation Group*, ATLA Tape 5 #1-4 Bdr (2001).

### LAWYERS & MODERN CONSTRUCTION

An example of a danger of modern construction is a lawyer who crashed through a skyscraper's window with his shoulder and fell twenty-four floors to his death. A police spokesman said he was demonstrating the strength of the windows to visiting law students. The managing partner of his firm told the *Toronto Sun* newspaper that he was "one of the best and brightest" members of the two-hundred-man association ([www.darwinawards.com](http://www.darwinawards.com)). 

Angeles. Molly was hooked! She loved the area and the weather. Molly's next stop in November 2002 was the Orange County Public Law Library as the Public Services Librarian.

Molly loves to travel. She was an exchange student in Italy after high school. Molly also spent a term of library school in Wales; she met people from all over the world. She has been to Europe several times and has also been to Australia and New Zealand. Molly likes to read, ski, listen to music, and do yoga. She also likes to ride her bike casually – no racing or marathons – down to the neighborhood store!

Molly likes working in law libraries because she enjoys doing legal research; she relates legal research to her major in college of European history and her interest in politics. She said that she can always find an answer doing legal research.

Welcome to Orange County Public Law Library, Molly! 

## LOOKING AT THE WEB

by Mora Prestinary, Reference Librarian




Take a look at some construction law sites:

- ✧ Construction WebLinks  
<http://www.constructionweblinks.com/>
- ✧ U.S. Census Bureau  
<http://www.census.gov/const/www/index.html>
- ✧ Real Estate Dictionary  
<http://www.homeglossary.com/>
- ✧ Material Safety Data Sheets  
<http://www.ilpi.com/msds/index.html>
- ✧ U.S. Housing Markets  
<http://www.meyersgroup.com/products/ushm.asp?CurrentView=PROD>
- ✧ National Association of Home Builders  
<http://www.nahb.org/>
- ✧ Construction Law  
<http://library.lp.findlaw.com/constructionlaw.html>
- ✧ Government Agencies <http://www.hud.gov/>
- ✧ Construction Law Web Sites  
<http://www.findlaw.com/01topics/40construction/sites.html> 

brary rights, the average person need only be aware of issues concerning libraries and talk to their neighbors about such matters. You can also attend local government meetings to urge city and county legislators to invest in libraries as a vital community resource, vote for library referenda in elections, or write to your state and federal legislators demanding that library services be viewed and funded as a necessary public service.

When the Taliban regime seized power in Afghanistan, the ruling members took it upon themselves to "liberate" the minds of the people by closing libraries and institute book burning programs. Librarians advance knowledge through civic engagement and from informed civic engagement comes policy that allows all people intellectual freedom. It is the duty of the librarian to apply the principles of intellectual freedom to activities undertaken daily.<sup>12</sup>

With the advent of the Internet and other electronic retrieval media, the library lost much of its identity and was viewed as merely a place where books are collected. However with the creation of these electronic media, librarians are no longer mere keepers of books but brokers of information services. Today's librarians do far more than just locate and collect data. As the library profession moves into and through the 21<sup>st</sup> century, the duty of the librarian to educate communities to the importance of libraries becomes crucial to the survival of the profession and society. 

1. <http://www.tk421.net/nwyt.html>
2. <http://www.libriavengers.com/library.html>
3. <http://ala.org/online/news/recession2003.html>
4. Healey, P. (March 2002). How goes the law librarian job market? *AALL Spectrum*. 6, 8-10.
5. <http://www.bls.gov/oco/ocos068.htm>
6. <http://www.calmis.ca.gov/htmlfile/subject/occproj.htm>
7. [http://www.ala.org/hrdr/al\\_mls.pdf](http://www.ala.org/hrdr/al_mls.pdf)
8. <http://www.sla.org/content/memberservice/researchforum/salarysurveys/salsur2001/index.cfm>
9. <http://www.bls.gov/home>
10. [http://www.laurabushfoundation.org/Open\\_Remarks.html](http://www.laurabushfoundation.org/Open_Remarks.html)
11. <http://librarysupport.net/librarylovers>
12. <http://www.ifla.org/faife/papers/riga/fitzsim.htm>



## Ask a Librarian Question of the Quarter

by Lu Nguyen, Reference Librarian

**Q:** Is California a common law marriage state?


**A:** A common law marriage cannot be established in California; a couple must obtain a marriage license and have a ceremony to get married in this state. However, if a couple moves to this state after having formed a common law marriage in one of the states that recognizes common law marriage, California will treat the marriage as valid.

States that allow common law marriage

Alabama	Kansas	Rhode Island
Colorado	Montana	South Carolina
Georgia *	Ohio *	Texas
Idaho *	Oklahoma	Utah
Iowa	Pennsylvania	Washington, D.C.

\*These states only recognize common law marriages created prior to a certain date (January 1, 1997, in Georgia, January 1, 1996, in Idaho, and October 10, 1991, in Ohio.)


New Hampshire recognizes common law marriages only when one partner dies without a will or other estate plan.

**Source:** *Nolo's Guide to California Law*, 7<sup>th</sup> Edition, authored by Attorneys Lisa Guerin and Patricia Gima, published by Nolo Press. (pp. 232-233) 

### Fighting Cybercrimes (Continued from page 5)

know your facts – who, what, where, and, if possible, why.

We have the following materials in our collection on the topic of Cybercrime:

- ✧ *Computer crime laws* by Jay Joseph, GEN 2 HV6773 .B56 1993
- ✧ *Cyber forensics : a field manual for collecting, examining, and preserving evidence of computer crimes* by Albert J. Marcella, Robert S. Greenfield, editors, GEN2 HV8079 .C65C93 2002
- ✧ *Cybercrime-- cyberterrorism-- cyberwarfare : averting an electronic Waterloo* by Global Organized Crime Project, GEN2 U163 .C92 1998
- ✧ *Handbook of computer crime investigation : forensic tools and technology* edited by Eoghan Casey, GEN3 HV8079 .C65H36 2002
- ✧ *Investigating computer crime* by Franklin Clark, Ken, GEN2 HV8079 .C65C58 1996 

# From The Circulation Desk

by Patti Walter, Circulation Technician

## ANNUAL FINE NOTICES

It's that time of year again! Annual Fine Notices are mailed out to Library account holders with fines of less than \$15.00. Once a year we notify our patrons that they have a fine on their account.

## CHANGE OF ADDRESS

Just a reminder to all of our patrons who have accounts with the Law Library to keep us informed about your address and authorized borrower changes. It is extremely important that we have your current address and phone number. That way we can notify you about overdue items, fines, and holds. If a fine of \$15 or more remains unpaid for 1 year, an account is terminated in accordance with the library borrowing rules. Often an infrequent user comes into the library expecting to check out items only to find that his account has been terminated. Because we did not have his current address, the U.S. Post Office returned all fine and termination notices as undeliverable.

For attorney borrowers it is important to keep your address and authorized borrower information current. Law firms frequently change personnel. An accurate borrower list prevents misuse of the account by former employees. Please remember that the primary borrower on an account is financially responsible for all fines and replacement charges that his or her authorized borrowers accrue.

## E-MAIL ADDRESSES

Library account holders are asked to provide us with their e-mail address. Looking to the future, some of our goals are to provide on-line reference service and send new acquisitions lists, and library announcements via e-mail.

Thank you for your assistance. 📖



## OCPLL will be closed for the following Court Holidays

March 31, 2003, Cesar Chavez Day  
May 26, 2003, Memorial Day



### Regular Library Hours

Monday-Thursday	8 am-10 pm
Friday	8 am-6 pm
Saturday	9 am-6 pm

*Closed Sundays and Court Holidays*

The Orange County Public Law Library  
derives its income  
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